

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSES OF : STATE BOARD OF EXAMINERS
WILLIAM V. MAUGERI : ORDER OF REVOCATON

DOCKET NO. 236 - 02/94 - 95

At its meeting of February 24, 1994, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that William Valentino Maugeri was convicted in July 1993 on charges of criminal sexual contact involving a sixteen-year-old female student for which he was sentenced to a five year term of probation, conditioned upon a term of incarceration of 364 days in the Burlington County Jail, psychiatric and/or psychological counseling at least once a month during term of probation, 400 hours of community service, and restitution in the amount of \$7,500.

Mr. Maugeri currently holds a Teacher of the Handicapped license and a Teacher of Elementary School license in the State of New Jersey.

At that meeting the State Board of Examiners voted to issue an Order to Show Cause based on said conviction against Mr. Maugeri. The Order to Show Cause was mailed to Mr. Maugeri by regular and certified mail on April 4, 1994. On April 25, 1994 an Answer to the Order to Show Cause was received from Mr. Maugeri. On May 13, 1994, an initial hearing notice was mailed by regular and certified mail to Mr. Maugeri. A response dated May 27, 1994 was received by Mr. Maugeri. On February 23, 1995, the matter was placed back before the State Board of Examiners for consideration of revocation or suspension pursuant to N.J.A.C. 6:11-3.6.

Thereafter, the State Board of Education decided two cases which impacted on the hearing process conducted by the State Board of Examiners. The first case is captioned, In the

Matter of the Certificates of Sheridan. The other is captioned, In the Matter of the Certificates of Vitola. Within these two cases, the State Board of Education determined that the State Board of Examiners was required to amend its regulations in order to permit it to hear directly legal matters in which material facts are not in dispute. During the pendency of the revisions to the State Board of Examiner' regulations regarding its hearing process, all such hearings were held in abeyance. Said regulatory amendments were finally codified in May of 1997.

This matter was tabled until the Board's authority to hear cases was clarified. Pursuant to the revisions to N.J.A.C. 6:11-3.6, a second hearing notice was forwarded to Mr. Maugeri on July 9, 1997. Said notice explained that, it appearing that no material facts were in dispute, Mr. Maugeri was provided an opportunity to offer legal argument on the issue of whether his conviction constituted conduct unbecoming a teacher. On August 6, 1997, a response to the hearing notice was received from Mr. Maugeri.

Mr. Maugeri's response to the initial hearing notice admitted he was convicted on the first count of Accusation 92-12-9798A of violating N.J.S.A. 2C:14-3b, criminal sexual contact, which he claims is a crime of the fourth degree exposing him to a maximum 18 month term in prison and fine not exceeding \$7,500. He also acknowledges the sentence recited above. He admits the crime was a serious one in that it involved sexual contact between a teacher and a student, but asks the State Board of Examiners to consider both the advanced age of the student, (16) and the consensual nature of the sexual contact. He expresses remorse for the crime but believes it was an aberrational episode of behavior and is unlikely to reoccur . He states he has continued with psychotherapy to understand more fully the criminal event and also to reestablish the relationship he has with his wife. With his response to the initial hearing order, Mr. Maugeri submitted some 28 letters of recommendation, and both a psychiatric and

psychological report. Relying on these documents as support for his position, Mr. Maugeri states that but for this singular episode, his conduct as a teacher had been exemplary.

Mr. Maugeri's response to the second hearing notice, dated July 30, 1997, notes that in July of 1998 he will have successfully completed his probation period. He speaks of his current employment as a Customer Service Credit Analyst, and that he remains married. He notes that before teaching in public schools, he taught for the Department of Corrections for five years. He states he has no desire to return to teaching in public school but would like the Board to consider not revoking his licenses so he could return to teaching for the Department of Corrections. He notes that Corrections would involve a strictly male population.

At its meeting of October 9, 1997, the State Board of Examiners reviewed the charges against Mr. Maugeri as well as his responses to the Order to Show Cause and hearing notices. It determined that no material facts related to Mr. Maugeri's offense were in contest, and that the matter could, therefore, proceed to a determination as to whether the charges levied against Mr. Maugeri in the Order to Show Cause constitute conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners first noted that the instant hearing is not one which considers evidence of rehabilitation. See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, decided by the State Board of Examiners March 28, 1996, aff'd State Board of Education September 6, 1996. Therein, the State Board of Examiners held:

Neither does the language of this regulation [N.J.A.C. 6:11-3.6] support Petitioner's apparent contention that "new findings" includes evidence of rehabilitation or current ability to teach. See, e.g., In the Matter of the Revocation of the Teaching Certificate of James Noll by the State Board of Examiners, decided by the State Board of Examiners, February 7, 1990, citing Cox v. State Bd. of Examiners (App. Div. Docket No. A-3527-81T3)(November 18, 1983). Therein, it was determined that the purpose of

the hearings conducted by the State Board of Examiners pursuant to N.J.A.C. 6:11-3.7(b)ii (now, N.J.A.C. 6:11-3.6(a)1) is 'to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth the Order to Show Cause, not to afford an opportunity to show rehabilitation. *Id.* at p. 4)

Hence, the State Board of Examiners did not consider Mr. Maugeri's statements concerning his alleged rehabilitation, but instead focused on assessing whether the criminal charges at issue, which Mr. Maugeri does not deny having committed, constitute conduct unbecoming a license holder.

In this regard, by virtue of holding a teaching license, the respondent has been entrusted by the State with the care and custody of school children. Tenure Hearing of Sammons, 1972 S.L.D. 302, 321. The respondent has, however, by his conduct, violated that most sacred trust. He has impermissibly endangered a minor. Such comportment is so foreign to the expectations of the deeds and actions of a professional certificated teacher - or of any person - that it raises doubts as to the continued performance of that person in the classroom. Tenure of Blasco, OAL Dkt. EDU 3842-79 (July 15, 1980), mod. Comm'r of Ed. (August 28, 1980), mod. St. Bd. of Ed. (Feb. 4, 1981). The public must be assured that the respondent will no longer be given access to children in his position of teacher. Mr. Maugeri's contentions that the relationship was an aberration in an otherwise unblemished teaching career, or that the victim had reached the advanced age of sixteen hold no sway in the Board's conviction that such behavior is absolutely reprehensible, and conduct of the most unacceptable kind in a teaching staff member. A teacher's conduct must reflect proper judgment. That requires him to restrain his behavior regardless of the conduct of the pupil.

Accordingly, the State Board of Examiners finds that Mr. Maugeri lacks the fitness to serve in the public schools. Further, it finds respondent's conviction conduct unbecoming a

license holder. The appropriate penalty for his unbecoming conduct is the revocation of respondent's teaching licenses.

It is, therefore, ORDERED that, the State Board of Examiners having reviewed the charges and having found that said charges warrant revocation of William Maugeri's licenses, his Teacher of the Handicapped and Elementary School Teacher licenses are hereby revoked on this 9th day of October, 1997.

It is further ORDERED that William Maugeri return his licenses to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: November 19, 1997

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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